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PUBLIC UTILITIES
COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

-----In the Matter of-----) DOCKET NO. 2009-0108
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PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to)
Investigate Proposed Amendments)
To the Framework for Integrated)
Resource Planning.)
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THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S
OPENING STATEMENT OF POSITION ON THE PROPOSED AMENDMENTS TO THE
FRAMEWORK FOR INTEGRATED RESOURCE PLANNING

AND

CERTIFICATE OF SERVICE

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**THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM'S
OPENING STATEMENT OF POSITION ON THE PROPOSED AMENDMENTS TO THE
FRAMEWORK FOR INTEGRATED RESOURCE PLANNING**

The Department of Business, Economic Development, and Tourism ("DBEDT"), by its Director ("Director") in his capacity as the Energy Resources Coordinator ("ERC"), through the undersigned Deputy Attorney General, hereby submits to the Hawaii Public Utilities Commission ("Commission" or "PUC") its Opening Statement of Position (OSOP) in the above- captioned docket, an investigatory proceeding on the proposed amendments to the Integrated Resource Planning (IRP) Framework proposed by Hawaiian Electric Company, Inc. (HECO), Hawaii Electric Light Company, Inc., (HELCO), Maui Electric Company, Ltd. (MECO) (collectively referred to as "The HECO Companies"), and the Consumer Advocate ("CA").

Background

By letter dated November 6, 2008, the HECO Companies and the CA requested that the Commission close Docket No. 2007-0084, Docket No. 04-0046, and Docket No. 04-0077, relating to HECO's IRP-4, HELCO's IRP-4, and MECO's IRP-4, respectively, and to open a new docket to establish the Clean Energy Scenario Planning (CESP) Framework. The Parties' request was pursuant to the Energy Agreement entered into between the State and the HECO Companies on October 20, 2008 under the auspices of the Hawaii Clean Energy Initiative ("HCEI"). On November 26, 2008, the Commission issued an order closing Docket No. 2007-0084 and Docket No. 04-0046; and on December 8, 2008, issued an order closing Docket No. 04-0077. Thereupon, the HECO Companies suspended all activities relating to IRP.

By letter dated April 28, 2009, the HECO Companies, Kauai Island Utility Cooperative ("KIUC"), and the CA requested "that the Commission open an investigatory docket to review and establish the Clean Energy Planning Framework [CESP Framework] based on the proposal being submitted [by the parties]".¹ The HECO Companies' and the CA's proposed CESP Framework is based on their proposed revisions to the existing IRP Framework which was established by the Commission in Decision and Order No. 11523

¹Letter to the PUC from HECO, KIUC, and the CA, April 28, 2009, p. 5.

issued on March 12, 1992, as amended by Decision and Order No. 11630 issued on May 22, 1992, in Docket No. 6617. The IRP Framework required the electric and gas utilities in Hawaii to develop integrated resource plans in accordance with the framework, and to identify the mix of resources both on the demand-side and on the supply-side, for meeting the consumers' future energy needs at the lowest reasonable cost. "The IRP Framework is a mandatory guide for the utilities to follow."²

On May 14, 2009, the Commission issued its order initiating the above-captioned docket to examine the Parties' proposed amendments to the IRP Framework, as set forth in their letter dated and filed on April 28, 2009. The Commission's order named HECO, HELCO, MECO, KIUC, and the CA as parties to the docket. On July 1, 2009, the Commission issued its order granting intervenor status to eleven parties³ including the Department of Business, Economic Development, and Tourism ("DBEDT").

On July 29, 2009, the Parties, except for LOL⁴, filed a proposed Stipulated Procedural Order ("SPO"), as amended on September 11, 2009, for Commission approval. Pursuant to the proposed SPO, the HECO Companies held a Technical Session with

² Docket No. 6617, PUC Decision and Order No. 11523, March 12, 1992, p. 25.

³ The intervenors include (1) DBEDT, (2) County of Hawaii, (3) County of Maui, (4) County of Kauai, (5) Life of the Land ("LOL"), (6) Haiku Design and Analysis ("HDA"), (7) Hawaii Renewable Energy Alliance ("HREA"), (8) Blue Planet Foundation, (9) Hawaii Solar Energy Association ("HSEA"), (10) The Marriotts, and (11) Forest City Hawaii Residential, Inc.

⁴ LOL did not stipulate but supported the proposed Stipulated Procedural Order.

the Parties in the docket on August 11, 2009, to discuss the proposed amendments to the IRP Framework constituting their CESP Framework. On August 28, 2009, the Parties provided their Informal Proposed Modifications to the HECO Companies' proposed amendments to the IRP Framework, and another Technical Session was held on September 15, 2009, to discuss the Parties' proposed informal comments and modifications to the HECO Companies' proposed CESP Framework or proposed amendments to the IRP Framework.

On September 23, 2009, the Commission issued its order approving the Parties' stipulated procedural order filed on September 11, 2009, with some modifications. DBEDT's Opening Statement of Position ("OSOP") provided herein, sets forth:

(1) DBEDT's initial position on the issues that will be addressed in the instant docket and as identified in the Commission's order issued on September 23, 2009;

(2) DBEDT's initial proposed amendments to the IRP Framework as revised on May 22, 1992, and reissued and attached in the revised form to PUC D&O No. 11630 in Docket No. 6617; and

(3) DBEDT's comments regarding the HECO Companies' proposed amendments to the IRP Framework, which forms their proposed CESP Framework.

DBEDT's initial proposed amendments to the IRP Framework are provided for discussion purposes, and DBEDT reserves its

right to modify the position presented in this filing based on further discussions with the Parties, on information that may be provided during the course of the discovery process, and on DBEDT's review of any other relevant and related information. DBEDT notes that during the September 15th technical session, the Parties agreed to meet again in early October to continue discussion of the comments and issues raised by the Parties relating to the HECO Companies' proposed CESP Framework.

DBEDT's Initial Position on Issues Identified by the
Commission Order

This section provides DBEDT's initial position on the issues that will be addressed in the above-captioned docket as identified by the Commission's September 23, 2009 Order.

Issue 1. What are the objectives of CESP and how do they differ from the objectives of IRP?

The objectives of CESP include but are not limited to the following:

- 1) To provide flexible and comprehensive policy guidance, planning goals, and planning principles that the utilities must follow in developing generation resources and delivery infrastructure plans for meeting Hawaii's future energy needs in an integrated,

efficient, reliable, cost-effective and sustainable manner.

- 2) To ensure that the utilities' resource action plans take into consideration the achievement of the State goals of energy independence and security and its attendant economic and environmental benefits.
- 3) To ensure that the utilities' resource planning and action plans, in meeting the State's future energy needs, reflect and incorporate the drivers for the new planning paradigm, such as the need for new transmission lines or delivery infrastructure and changes in the utilities' generation portfolio.

Issue 2. What is the basis for each of the proposed changes to the IRP process, and are these changes reasonable and in the public interest?

DBEDT believes that the changes in Hawaii's energy landscape in the last decade or so necessitate the establishment of a new utility resource planning framework by the Commission that modifies, updates, and expands the existing IRP Framework to provide policy guidance, planning goals, and planning principles that the utilities must follow in their resource planning in meeting Hawaii's future energy needs. Since the establishment of the IRP Framework by the Commission in 1992,

there have been significant changes in Hawaii's energy landscape that warrant modifying the IRP Framework, including but not limited to the following:

- 1) The transfer of the management, design, development, and implementation of the demand-side management programs (DSM) to the Public Benefits Fund (PBF) Administrator pursuant to section 269-122, Hawaii Revised Statutes ("HRS").
- 2) The establishment of the statutorily mandated Renewable Portfolio Standards ("RPS") and Energy Efficiency Portfolio Standards ("EEPS")⁵.
- 3) The institution of the Net Energy Metering ("NEM")⁶ statute to encourage customer-owned and customer-sited energy systems.
- 4) The statutory requirement for the Commission to consider the need for the increased use of renewable energy resources in the exercise of its authority and duties.⁷
- 5) The de-linking of a utility's avoided cost from the fossil-fuel costs in the determination of just and reasonable purchased power rates.⁸

⁵ Act 155, Session Laws of Hawaii (SLH) 2009.

⁶ Part VI, Chapter 269, HRS.

⁷ Section 269-6(b), HRS.

⁸ Section 269-27.2, HRS.

- 6) The enactment of Act 234, Session Laws of Hawaii 2007 ("SLH"), with the mandate to reduce Hawaii's greenhouse gas emissions to a point at or below the 1990 emissions level by 2020.
- 7) The sale of Kauai Electric Company ("KECO") to Kauai Island Utility Cooperative ("KIUC") in November 2002. KECO was formerly a division of Citizens Utilities Company, an investor-owned company providing electric, telecommunications, water and wastewater utility services. The present utility, KIUC, is a utility cooperative owned by its members, and managed by an elected Board of Directors.
- 8) The signing of the Memorandum of Understanding (MOU) in January 2008, between the State and the U.S. Department of Energy ("USDOE") establishing the Hawaii Clean Energy Initiative ("HCEI"), aimed at transforming Hawaii to a clean renewable energy-based economy and providing a policy framework for achieving Hawaii's energy goals of energy independence and security. HCEI created several major energy-related initiatives that require regulatory scrutiny and Commission approval, including potential changes to the regulatory framework, utility cost recovery, and the need for significant changes to the transmission

infrastructure that would require massive capital investments.

- 9) The signing of the Energy Agreement between the State and the HECO Companies on October 20, 2008, under the auspices of the HCEI. The Energy Agreement is a comprehensive agreement designed to move the State away from its dependence on imported fossil fuels for electricity and ground transportation, and toward indigenously produced renewable energy and energy efficiency. It provides the HECO Companies' commitments to accelerate the addition of new, clean resources on all islands, as well as to support a suite of incentives and changes to the regulatory framework to remove or reduce the barriers to the utilities in achieving its commitments.
- 10) The institution by the Commission of new procurement methods for the utilities to purchase power, such as the competitive bidding framework, and more importantly, the Commission's approval (issued September 25, 2009) of the feed-in tariffs in Docket No. 2008-0273 for the utilities' procurement of renewable energy resources.
- 11) The advances and developments in information and communication technology which render some of the

provisions of the current IRP Framework relating to public notices somewhat antiquated.

These aforementioned developments in Hawaii's energy landscape are important considerations and factors that must be taken into account in the development of the utilities' resource planning and resource plans. These developments in Hawaii's energy environment require the establishment of a new planning paradigm that aligns the utilities' resource planning with Hawaii's new energy future. DBEDT believes that a new utility resource planning framework should be established by amending the IRP Framework to take into consideration the aforementioned changes in Hawaii's energy landscape. Based on DBEDT's review of the current IRP Framework and the PUC decisions and orders establishing the framework in 1992⁹, DBEDT believes that many of the principles and provisions of the IRP Framework still apply today and should be adopted in the new resource planning framework. A few provisions need to be modified, expanded, or deleted, however, and some new provisions and principles have to be included. DBEDT's initial proposed changes to the IRP Framework are listed below. The sections cited refer to the sections in the IRP Framework.

1. The new framework should apply to the electric and gas utilities in Hawaii, including the HECO Companies,

⁹Docket No. 6617, D&O No. 11523, March 12, 1992. D&O No. 11630, May 22, 1992.

KIUC, and perhaps even the Gas Company (TGC). The new framework should be generic and flexible so as to be applicable to the different utilities, but at the same time include principles and requirements for rigorous analysis, modeling, development of planning assumptions and planning scenarios, screening and evaluation of plans. Where certain provisions of the new framework do not apply or fit any specific utility because of the nature of the utility's business (i.e., TGC) or because of a utility's governance and funding structure (i.e., KIUC), separate or different provisions may have to be included in the framework to reflect the differences.

2. Section II.A should be modified such that the goal(s) and purpose of the framework would be clearly established and articulated.
3. The new resource planning framework must include clear provisions or principles on requirements or expectations of utility compliance to the framework, as well as consequences of, and procedures for, deviations from the framework in whole or in part.
4. The framework should establish and set the objectives of the utilities' resource planning and resource plans, and specify the means for measuring the

effectiveness of the plans in achieving the stated objectives. The objectives should address the resource planning or resource plans' compliance with, and achievement of the State goals and policies established in statutes.

5. The framework must require the utility to develop and submit to the Commission a cost-benefit analysis of each utility planning scenario and proposed action plans in an integrated and comprehensive manner rather than on a facility by facility basis. Such cost-benefit analysis must include all costs and all benefits of the plan.
6. The framework should clearly state and specify the purpose and uses of the utility resource plans such as its use in the development and approval of the utility's capital expenditures for capital projects, purchased power contracts, and/or its use in developing test-year forecasts for rate case purposes.
7. The "governing principles" provided in Section II.B should be modified to include policy statements requiring consideration of the State goals and policies established in various statutes such as discussed above, in the utility resource planning and resource plans.

8. The utility resource planning must consider all resource options on both the supply-side and on the demand-side.
9. Section III.E of the IRP Framework relating to "public participation" should be modified to ensure that the new resource planning framework is more open and transparent, and must include provisions to encourage and accommodate actual public participation and public input in the resource planning process. Public participation should not be limited to merely an "advisory role". The provision in the current IRP whereby the advisory group's advice could be easily and unconditionally dismissed by the utility should be deleted. Given the utility resource plans' broad policy implications and the impact on the State energy goals, the new resource planning framework must ensure a collaborative planning process.
10. Section III.E.4 relating to intervenor funding in the current IRP Framework should be modified to provide more clarity to qualifying out-of-pocket expenses. For instance, will a legal expense of a public participant qualify for intervenor funding? Is there or should there be a limit (i.e., minimum threshold or maximum limit) for intervenor funding?

11. The new resource planning framework should specify the role and responsibilities of the PBF Administrator relating to the development and achievement of the energy efficiency program impacts. The DSM-related provisions in the current IRP Framework, such as Section V relating to "Pilot Demand-Side Management Programs" assigning responsibilities to the utilities to design, develop, or implement, should be either modified and assigned to the PBF Administrator or deleted from the new framework where appropriate.
12. Section III.F of the IRP Framework, relating to DSM programs cost recovery and utility incentives relating to programs that have been transferred to the Public Benefits Fund Administrator, should be deleted from the new utility resource planning framework.
13. Section III of the IRP Framework, relating to the major steps in the planning process, should include a provision requiring Commission approval. The new planning framework should include provisions that would facilitate and streamline the Commission's approval process to ensure expeditious approval of the resource plans, to the extent possible, in order to maintain and implement updated and current resource plans at all times.

14. The new resource planning framework should include and govern the utility's generation planning and transmission and delivery infrastructure planning to meet Hawaii's future energy needs.
15. The new resource planning framework should include a requirement for the utilities to develop and make available to stakeholders, Locational Value Maps that show the geographic areas of the utility's delivery system where renewable resources, distributed generation and/or energy efficiency may be most beneficial to the system, as well as the existing delivery systems in the forecasted growth areas.
16. The new framework must include provisions or governing principles requiring the generation resource planning to include all categories of demand-side and supply-side resource options or mix of options, including the future potential for inter-island transmission or transfer of generation resources between islands, and consideration and inclusion of all resource procurement methods. The framework should provide guidance or procedures for public participation in the determination of the resources or mix of resources, in the development of the planning scenarios, and in the

development of assumptions, including the forecasts assumptions.

17. The new planning framework should include a provision or principle establishing resource loading orders in the acquisition and integration of future generation resources such that energy efficiency programs (including rate design, and load management programs, and renewable energy resources) are first optimized before consideration is given to fossil-based resources. The new framework should also include a provision or principle that encourages distributed or dispersed generation over fossil-based central generation stations.
18. The new planning framework should include provisions or a principle requiring the inclusion and consideration of technological advances in the utility's transmission and delivery infrastructure plans such as smart grid, energy storage, or changes in the utility's operating procedure.
19. Section III.B relating to the planning cycle dates must be modified and updated.

The above are DBEDT's initial proposed amendments to the IRP Framework. As noted earlier, some sections and provisions of the IRP Framework still apply today and should be adopted in

the new resource planning framework as is, or with some updates and modifications. Such provisions include, but are not limited to (1) Sections II.C, II.D, and II.E, relating to the responsibilities of the utility, the Commission, and the CA; (2) Section III.D, relating to the plan documents and materials that the utilities are required to submit to the Commission; and (3) Section IV, relating to planning considerations, except for Section IV.B relating to the resource plan objectives which DBEDT proposes to be established by the planning framework. DBEDT will submit its final proposed red-line revisions to the IRP Framework in its Final Statement of Position ("FSOP"), or earlier as appropriate and consistent with the docket schedule.

Issue 3. Whether the proposed changes to the IRP Process should include changes to reflect the differences between electric cooperatives and investor owned utilities?

As indicated above, the new framework should be generic and flexible enough so as to be applicable to the different utilities, but where certain provisions of the new framework do not apply nor fit any specific utility because of the nature of the utility's business (i.e., TGC), or because of different governing and funding structure (i.e., KIUC), separate or different provision may have to be included in the framework to be applicable to such situations or conditions.

Issue 4. What should be the role of the state's public benefits fee administrator?

DBEDT believes that the role of the state's public benefits fee administrator should include but not be limited to the following:

- 1) To satisfy and achieve the requirements established by the Commission to administer, operate, and manage any programs established in Section §269-122, HRS. These requirements must include, but not be limited to, those established in Section §269-123, HRS, which include the following:
 - (a) Identifying, designing, developing, administering, and implementing demand-side management and energy-efficiency programs;
 - (b) Encouraging the continuance or improvement of efficiencies made in the production, delivery, and use of energy-efficiency and demand-side management programs and services to achieve the maximum energy efficiency and demand-side management potential in each island;
 - (c) Promoting program initiatives, incentives, and market strategies that address the needs of

persons facing the most significant barriers to participation;

- (d) Promoting coordinated program delivery, including coordination with electric public utilities regarding the delivery of low-income home energy assistance, other demand-side management or energy-efficiency programs, and any utility programs;
- (e) Development and consideration of innovative approaches to delivering demand-side management and energy-efficiency services, including strategies to encourage third-party financing and customer contributions to the cost of demand-side management and energy-efficiency services; and
- (f) Submitting to the public utilities commission for review and approval a multi-year budget and planning cycle that promotes program improvement, program stability, and maturation of programs and delivery resources.

- 2) The public benefits fee administrator ("PBF administrator") must be responsible for achieving the target goals for the energy efficiency and demand-side

management programs that may be established by the Commission to be included in the new planning framework's objectives. Act 155, passed into law in 2009, established an Energy Efficiency Portfolio Standard ("EEPS") designed to reduce statewide electricity usage by 4300 gigawatt-hours by 2030 through energy efficiency or conservation, energy efficiency technologies such as combined heat and power (CHP), displacement technologies such as solar water heaters, demand-side management programs, demand response programs, load management programs, and building codes, as well as through the utility rate design. DBEDT recognizes that not all of the above-mentioned programs are under the control of the public benefits fee administrator. DBEDT's proposal is to establish within the new resource planning framework a clear delineation of what programs should be managed, administered, developed, and implemented by the public benefits fee administrator and which programs should remain under the utilities' control, as well as which programs the two entities (i.e., PBF administrator and the utilities) may jointly implement and administer in a collaborative fashion. After this clear delineation of responsibilities for the above programs and other

related or similar programs is effected, target goals must be established for each program (or suite of programs) and included in the new planning framework's objectives, along with assignment to the respective parties of responsibility for achieving these goals.

DBEDT's Comments on the HECO Companies' and the CA's Proposed
Amendments to the IRP Framework

The HECO Companies' and the CA's proposed CESP Framework is based on their proposed amendments to the IRP Framework. DBEDT's major comments on the HECO Companies' and the CA's proposed amendments to the IRP Framework as set forth in Attachment 2 of the Parties' letter to the PUC dated April 28, 2009, include but are not limited to the following:

1. The proposed framework does not provide any clear differences between "IRP" and "CESP".
2. The proposed framework appears to be applicable only to the HECO Companies, and refers to the Energy Agreement as the basis for many of its proposed provisions. DBEDT suggests that a planning framework should be somewhat generic and flexible, and not based solely on one specific document as the basis for many of its provisions, so as not to require modifications

when the referenced document is replaced or no longer applicable.

3. The proposed framework does not provide clear and specific descriptions of, and differentiation between "CESP", "CESP scenarios", and "CESP Action Plans" - i.e., what the elements, components, requirements or results of each concepts are; what the purpose or intent of each concept is; or what the development procedure is for each concept or for its elements.¹⁰
4. The proposed framework does not provide a clear distinction or difference between the "CESP scenarios" and the planning assumptions.
5. The proposed provision of Commission incentives for the PBF administrator¹¹ as provided for in HECO's and the CA's proposed framework should be deleted in its entirety. The resource planning framework should not mandate the terms of the contract between the Commission and the PBF administrator.
6. The new planning framework must identify all resources that the utility proposes to acquire through all resource procurement methods, including feed-in

¹⁰ All three concepts are proposed to be submitted by the utilities. See HECO's and the CA's letter to the PUC dated April 28, 2009. Attachment 2, page 12 of 30.

¹¹ HECO and CA's letter to the PUC dated April 28, 2009. Attachment 2, page 21 of 30.

tariffs and net energy metering, and not only have those resources that the utility plans to procure through its favored procurement method (such as the competitive bidding framework).¹²

7. HECO's and the CA's proposed framework includes a requirement for the utility to identify Renewable Energy Zones ("REZ"). The framework should provide procedural guidance and requirements on how these REZs will be identified, and specify their purpose or use in the planning process, as well as identify and/or measure the benefits derived.
8. HECO's and the CA's proposed framework deleted the provisions included in the IRP Framework requiring the utilities to conduct cost-benefit and cost effectiveness analyses of the various options or mixes of options, and instead proposed that the "CESP scenarios shall be supported by quantitative and qualitative analyses to the extent reasonably possible and feasible."¹³ DBEDT suggests that a more rigorous requirement for supporting analyses such as provided for in the current IRP Framework, Section IV.H, should be adopted in the new resource planning framework,

¹² Ibid. Page 25 of 30.

¹³ Ibid., p. 27.

especially if the resource plan resulting from this planning process will govern the utility's capital expenditures on capital projects and purchased power, and may be used in test-year forecasts for rate case purposes.

9. The provision included in the HECO and CA's proposal providing for automatic approval of the utility CESP Action Plan if not acted upon by the Commission within six months, should be deleted.¹⁴ More importantly, the HECO Companies' proposal requiring Commission approval only for the "CESP Action Plan" but not for the "CESP Scenarios", which form the basis for the "CESP Action Plan", is questionable.

SUMMARY

DBEDT supports amending the IRP Framework established by the Commission in 1992. There have been important developments and changes in Hawaii's energy landscape since the establishment by the Commission of the existing IRP Framework in 1992 that have changed the drivers for new resource planning for Hawaii's energy future. The new resource planning framework must provide flexible and comprehensive policy guidance, planning goals, and planning principles that the utilities must follow in developing

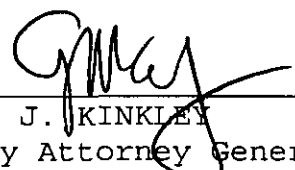
¹⁴ Ibid., p. 8.

generation resources and delivery infrastructure plans for meeting Hawaii's future energy needs in an integrated, efficient, reliable, cost-effective, and sustainable manner. The new framework must ensure that the utilities' resource planning and action plans are aligned with the State's goals of energy independence and security and the attendant economic and environmental benefits.

DBEDT also provided its proposed amendments to the IRP Framework established by the Commission in Docket No. 6617, and as revised on May 22, 1992 and reissued and attached in the revised form to the PUC D&O No. 11630. DBEDT reserves its right to modify its position presented in this filing based on further discussions with the Parties as well as information that may be provided during the course of the discovery process.

DBEDT also provided its comments to the HECO Companies' and the CA's proposed amendments to the IRP Framework as set forth in Attachment 2 of the Parties' letter to the PUC dated April 28, 2009.

DATED: Honolulu, Hawaii, October 2, 2009.



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Certificate of Service

I hereby certify that I have served a copy of the Department of Business, Economic Development, and Tourism's Opening Statement of Position on the proposed amendments to the IRP Framework, in Commission Docket Number 2009-0108, by electronic transmission on the date of signature to each of the parties listed below.

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DATED: Honolulu, Hawaii, October 2, 2009.



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